THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.22219 OF 2005

Dated: 09-11-2005

Between

Inturu Venkata Prasad, S/o. Venkata Rao, R/o. Subbarayapalem, Rompicherla Mandal, Guntur District.

...PETITIONER

AND

The District Collector Cum District Election Authority, Guntur District, Guntur and another.

...RESPONDENTS

ORDER:

This writ petition is filed seeking a Writ of Mandamus to declare the action of the respondents in fixing the Rompicherla PACS as place of receipt, scrutiny, withdrawal of nominations to the elections of Subbrayapalem PACS and the place of publication of final list of contesting candidates and place for allotment of symbols as illegal, arbitrary and consequently direct the respondents to conduct elections including receipt and scrutiny of nominations, publication of final list of contesting candidates etc. at the headquarters of Subbarayapalem PACS.

Learned Government Pleader for Cooperation appearing for the respondents submits that an election in respect of the Subbarayapalem PACS was already conducted on 26.10.2005.

If that be so, the only course open for the petitioner is to raise an election dispute by way of filing an election petition under Section 61(3) of the Andhra Pradesh Cooperative Societies Act, 1964.

The writ petition is accordingly dismissed with a liberty to the petitioner to file an election petition.

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V. ESWARAIAH, J

November 9, 2005

DSK